



DEPARTMENT OF ENERGY EEO/DIVERSITY NEWSLETTER

VOLUME 1,
ISSUE 1
APRIL 2000

SECRETARY RICHARDSON INITIATES DIVERSITY EFFORTS

Since arriving at DOE, Secretary Richardson has worked to transform the Department into a civil rights model for the Federal Sector. Early in his tenure, he met with employees to learn about DOE's diversity track record. He learned that the workforce is not representative of our nation; that women and ethnic minorities are not fully represented at DOE's senior and executive levels, and Hispanics are particularly under-represented at all grade levels.



As a result, the Secretary replaced the Strategic Alignment Initiative with his "Workforce for the 21st Century" (Workforce 21) plan, in order to make the Department a diversity leader within the Federal government. The Workforce 21 plan complies with the "Nine Point Plan to Reduce Hispanic Underrepresentation in the Federal Government" issued by the Office of Personnel Management (OPM).

The Secretary also directed a comprehensive review of DOE's Office of Civil Rights and Diversity (OCR). That review resulted in a variety of recommendations for improvement.

To help ensure the success of his efforts, the Secretary appointed James B. Lewis as DOE's Director of the Office of Economic Impact and Diversity (ED). He also assigned Poli Marmolejos, a career lawyer with the Department of Justice (DOJ), to serve as Acting Director of OCR. Mr. Marmolejos has served in various management and policy related positions in DOJ's Civil Rights Division, and brings proven management skills to OCR.

Together, these two individuals moved quickly to address a variety of long-standing concerns

regarding OCR. For example, in FY1999, OCR: reduced its case inventory by 23% by closing 173 formal complaints; increased the percentage of cases resolved at the informal stage to 67%; and increased the number of cases closed by 15% over FY1998. OCR also implemented an ambitious mediation program designed to assist parties to a complaint in arriving at a mutually-acceptable resolution. The result is that complaints referred for mediation increased an impressive 175% from FY1998 to FY 1999.

OCR initiatives in progress include developing training modules, in conjunction with the Office of Management and Administration, to better educate management and staff. OCR is updating its web site and recently published informative new EEO brochures. The Secretary believes that an efficient and effective OCR is a cornerstone to establishing trust between management and staff, and has clearly stated that he will continue to endorse OCR and Diversity efforts.

However, ED and OCR cannot succeed alone. The Secretary has asked each office to work with OCR to mediate pending EEO complaints and has asked ED and OCR to apprise him, on a routine basis, regarding the status of those complaints. He also asked Heads of Departmental Elements to include in their weekly reports a summary of programs and efforts designed to engage under-represented communities. The success of these programs and efforts is now a separate diversity element in SES Performance Plans and Appraisals.

For additional information regarding these initiatives, please call OCR at 202/586-2218.

MEET JAMES B. LEWIS

James B. Lewis was sworn in as the Department's Director, Office of Economic Impact and Diversity, on July 26, 1999. The Office oversees the Office of Minority Economic Impact, the Office of Small and Disadvantaged Business Utilization, the Office of Civil Rights, the Office of the Ombudsperson, and the Office of Employee Concerns.

Mr. Lewis has served in many capacities in the public and private sector, including: City Administrator for the City of Rio Rancho, NM; Chief Executive Officer for the New Mexico Corporation Commission; and Director, New Mexico Oil, Gas, and Mineral, State Land Office. He also served as the Chief of Staff to New Mexico Governor Bruce King, and was elected New Mexico State Treasurer.



He earned a Bachelor of Science degree in Education from Bishop College, and a Master of Arts degree in Public Administration from the University of New Mexico.

AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

OCR is charged with lead responsibility for both the DOE Equal Employment Opportunity (EEO) Program, and Affirmative Employment/Affirmative Action Program (AEP).

DOE's EEO Program is designed to provide an avenue of redress for prohibited practices involving race, sex (including sexual harassment), color, religion, national origin, age, disability, and reprisal. This protection stems from a variety of EEO laws including:

- * Title VII of the Civil Rights Act
- * The Rehabilitation Act
- * The Americans with Disabilities Act
- * The Age Discrimination in Employment Act

Pursuant to an Executive Order, DOE also provides protection against discrimination on the basis of sexual orientation.

Most EEO complaints are processed pursuant to EEOC regulations (29 CFR Part 1614). Under this process, OCR prepares final agency decisions (FADs) for all DOE elements, HQ and field. OCR also has implemented enhanced mediation and case processing efforts.

The Department's AEP is designed to ensure that females and ethnic minorities have an equal opportunity to apply and be considered for federal employment, promotion, and training opportunities. Federal agencies conduct their affirmative

employment activities through a Federal Equal Opportunity Recruitment Program (FEORP). Other duties include monitoring and reporting compliance with federal programs, laws, and regulations affecting diversity. Some of these are:

- * Affirmative Employment Program
- * Federal Equal Opportunity Recruitment Program
- * Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints
- * Disabled Veterans Affirmative Action Program (DVAAP)
- * Age Discrimination Act
- * Title IX of the Education Amendments of 1972

AA/EEO program managers also work with employee groups in planning & executing special emphasis programs. These include:

- * Asian/Pacific Islander Employment Program
- * Black Employment Program
- * Hispanic Employment Program
- * Native American Employment Program
- * Federal Women's Program
- * Disabled Veterans Program

These groups often host commemorative events for their workplace, e.g., Martin Luther King, Jr. Day, Hispanic Heritage Month, and Veteran's Day activities.

The Department's AA/EEO programs are on the front-line in ensuring that DOE's workforce is representative of our nation's citizenry. For more information on these programs, or to find out how you can participate in them, contact your local EEO Manager.

DOE TASK FORCE AGAINST RACIAL PROFILING ISSUES FINAL REPORT

During the summer of 1999, in response to allegations of racial profiling at DOE facilities, Secretary Richardson established the *DOE Task Force Against Racial Profiling*. The task force, headed by Deputy Secretary T.J. Glauthier, was comprised of nineteen members, including senior Federal and contractor officials, and a U.S. Civil Rights Commissioner. Asian Pacific American (APA) national leaders were invited by the Secretary to serve as participant observers. The charter of the Task Force was to provide the Secretary with:

- * Accurate observations and assessments of workplaces within the national DOE complex; and
- * Recommendations to ensure that policies against racial profiling are carried out effectively.

The Task Force conducted nine fact-finding visits to a variety of DOE facilities, and four on-site consultations with private corporations: Fannie Mae, the Marriott Corporation, Freddie Mac, and Union Bank in San Francisco. These corporations were top-rated by employees for diversity management and workplace excellence.

The final recommendations are intended for implementation at all DOE workplaces. They were developed from "best practices" advice from private corporations, recommendations from Task Force members, and suggestions of APA national leaders.

Improvements in leadership communications, trust-building, and assessment were identified as priorities. Recommended immediate steps are: selection of a National DOE Ombudsman (already accomplished); a Department-wide EEO/Diversity stand-down (see accompanying article); and a revamping of EEO systems and procedures to establish better accountability and timely resolution of individual cases. Other recommendations are future investments to continue improvements, such as multi-year workplace surveys, enhanced training, organizational self-assessments, and appraisal of individual leadership effectiveness. The Task Force Report is intended to provide substantive tools for improvement, and to serve as an avenue to enhance diversity management, assuring equity and pluralism within DOE.

For further information, contact John Robinson at John.Robinson@hq.doe.gov or Tom Tamura at Thomas.Tamura@hq.doe.gov.

DOE EEO/DIVERSITY STAND-DOWN

As of press time, plans were being finalized for the first-ever DOE Department-wide EEO/Diversity Stand-Down, which will provide EEO and diversity training for all DOE federal and contractor employees. Complete coverage of this unique event will be provided in the next issue of this newsletter.

DOE UNDERTAKES DISABILITY-BASED INITIATIVES

In March of 1998, the President signed an Executive Order establishing the Task Force on Employment of Adults with Disabilities. Subsequently, OPM issued a Plan to implement the Executive Order. That plan, entitled "Assessing Opportunity: The Plan for Employment of People with Disabilities in the Federal Government" was issued in October 1999. It serves as a framework to recruit, hire, develop and retain persons with disabilities.

On January 31, 2000, the Director of Economic Impact and Diversity (ED-1) and the Director of Management and Administration (MA-1) jointly issued a memorandum regarding implementation of the OPM plan and the Executive Order. As part of this initiative, ED and MA announced plans to involve stakeholders in the planning and implementation process.

As a first step, employees are requested to ensure that records regarding their disability status are current, and to update those records on an annual basis. To update your own information, fill out a DOE Form 1600.7, self-identification, and provide it to your EEO/Diversity Manager. Forms can be obtained on-line at <http://vm1.hqadmin.doe.gov:80/ed/ocr/ocr.html>.

In a related effort, the DOE Headquarters facility has recently taken steps to continue improving the Headquarters workplace environment for persons with disabilities. In April of 1999, the Office of the Secretary tasked MA-1 to conduct an audit of the Forrestal and Gemantown facilities. The effort was a partial response to the Secretary's Workforce 21 Plan. One of the objectives of the Plan is to attract persons with disabilities into the DOE workforce.

A team was established with representatives from: the Headquarters Engineering and Facilities Management Services Group; the Office of Human Resources; the Disabilities Task Force; the Office of Environment, Safety, and Health; the Office of Information Technology; the National Treasury Employees Union Chapters 213 and 228; and the General Services Administration.

The team adopted a two-pronged approach. First, the team posted a DOECAST requesting employees' assistance in identifying possible barriers for person with disabilities at the two facilities. They then conducted a physical survey of

the facilities to verify employee concerns and identify any other potential barriers. During the month of May, the team then met to:

- * Review the lists of impediments identified for both facilities
- * Identify possible remedies
- * Group the remedies by:
 - ✓ Estimated relative cost
 - ✓ Compliance with laws and regulations
- * Identify the organizations responsible for each remedy
- * Reflect present status, if applicable

The team identified 112 recommendations and listed them in a chart by facility and category, with cost data, where known. They separated and referred the recommendations to the responsible organizations in July 1999. Those organizations established priorities to ensure full coordination, planning, funds availability, and occupant satisfaction. More than 21% of the recommendations have been implemented to date.

The final report was issued in June 1999. Field and Operations Offices may wish to emulate the Headquarters initiative, in an effort to enhance workplace conditions nationwide.

OFFICE OF CIVIL RIGHTS IMPLEMENTS ALTERNATIVE DISPUTE RESOLUTION PROGRAM

OCR recently implemented an Alternative Dispute Resolution (ADR) pilot program, in an effort to resolve employment discrimination complaints in a more timely, less adversarial, and more cost effective manner. The majority of ADR efforts center on mediation, which provides an opportunity for parties to a dispute to voluntarily resolve it on an informal basis, with the assistance of a trained mediator. A mediator is a neutral person who is not an advocate for either party, nor is the mediator a decision-maker or judge.

An employee may stop mediation at any time, without jeopardizing the right to process a complaint under 29 CFR Section 1614.101 et seq. All mediation discussions are confidential and employees may bring anyone they choose to the mediation sessions.

If a resolution is achieved through mediation, all relevant parties sign a binding settlement agreement. The agreement is placed in the employee's official EEO complaint file, and remains

confidential, except to the extent necessary to implement the terms of the settlement agreement.

Questions concerning the ADR program should be addressed to Phyllis Hanfling, Director, Office of Dispute Resolution, at 202/586-6972.

NEW AND IMPROVED! THE DOE ED WEBSITE!

The DOE Office of Economic Impact and Diversity recently launched a new and improved web site, with more detailed information regarding DOE's diversity programs, events, and activities. The site also contains detailed resource information for all of your EEO and diversity needs, including a complete listing of DOE EEO and Diversity Managers nationwide. To access the web site, go to www.hr.doe.gov/ed.

SAVANNAH RIVER TO HOST YEAR 2000 NATIONAL DOE/CONTRACTORS EEO AND DIVERSITY TRAINING SEMINAR

The DOE Savannah River Operations Office and its contractors are hosting the Year 2000 National DOE/Contractors EEO and Diversity Training Seminar in Atlanta, GA on May 10-12, 2000. This year's theme is *Building Blocks for the 21st Century – Our People, Our Missions, Our Future!* The conference planners are working to ensure world class training for the participants. Support is being sought from DOE Operations Offices, Laboratories, and DOE contractor organizations to offset the costs of the conference. You can obtain further information about the conference from the <http://buildingblocks.srs.gov> website.

“DIVERSITY: A BUSINESS NECESSITY FOR THE MILLENNIUM”

The Office of Personnel Management's Management Development Center is offering a seminar entitled *"Diversity: A Business Necessity for the Millennium"*. It is designed for GS 13-15 personnel who have supervisory responsibility and who want to better understand how to build and manage a diverse workforce. The seminar focuses on diversity as an important organizational advantage for public organizations of the 21st century. The seminar will be held in Shepherstown, WV, on May 22-26, 2000. To register, write to diversity@opm.gov, visit the website at www.opm.gov/leader, or call Lois O'Hara at 304/870-8005.